

Defendants Planned Parenthood Gulf Coast, Inc. (“PPGC”), Planned Parenthood of Greater Texas, Inc. (“PPGT”), Planned Parenthood South Texas, Inc. (“PPST”), Planned Parenthood Cameron County, Inc. (“PP Cameron County”), Planned Parenthood San Antonio, Inc. (“PP San Antonio”) (collectively, “Affiliate Defendants”), and Planned Parenthood Federation of America, Inc. (“PPFA”) (all collectively, “Defendants”) move pursuant to Federal Rules of Civil Procedure 9(b), 12(b)(1), and 12(b)(6) to dismiss the State of Texas’ Complaint in Intervention.¹ In support of their Motion, Defendants respectfully refer the Court to their Memorandum in Support.

WHEREFORE, Defendants respectfully move that this Honorable Court dismiss the State of Texas’ Complaint in Intervention on the basis of estoppel, because Texas has failed to plausibly allege the essential elements of a Texas Medicaid Fraud Prevention Act (“TMFPA”) violation, and because Texas has failed to plead fraud with the particularity required by Rule 9(b). Defendants further request that the Court decline to exercise supplemental jurisdiction over Texas’ Complaint if the Court dismisses Relator’s Complaint.

REQUEST FOR HEARING

Defendants request a hearing to assist the Court with its consideration of this matter.

¹ Pending the Court’s ruling on PPGT and PPFA’s party-specific arguments, PPGT and PPFA conditionally join the other Defendants’ motion to dismiss.

Dated: February 14, 2022

Respectfully submitted,

ARNOLD & PORTER KAYE SCHOLER
LLP

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2022, the foregoing document was electronically filed with the Clerk of Court using CM/ECF.

/s/ Craig D. Margolis
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